

REMARKS

Claims 1-39 were pending and presented for examination and were pending in this application. In an Office Action dated March 20, 2007, claims 1-39 were rejected. Claims 1, 22, 23, and 39 are amended herein in order to more particularly recite aspects of the claimed invention. No new claims have been added. Reconsideration and allowance of claims 1-39 is respectfully requested.

Information Disclosure Statement

The Examiner is requested to consider the Information Disclosure Statement (IDS) concurrently filed herewith together with the appropriate fee required under 37 CFR §1.17(p).

The Examiner is also requested to consider the Supplemental IDS filed on April 7, 2006 and the Supplemental IDS filed on February 7, 2007.

Response to Rejection Under 35 USC 102(b)

Claims 1-11, 13-16, 18, 21-30, 32, 35, 38 and 39 were rejected under 35 USC § 102(b) as allegedly being anticipated by U.S. Patent No. 6,137,782 to Sharon et al. ("Sharon"). This rejection is now traversed in light of the amended claims.

Claim 1 has been amended to now recite:

A network application monitoring system, comprising:

(a) at least one media module coupled to an associated network segment on which a network application is running...for monitoring and collecting data relating to traffic on the associated network segment corresponding to the network application and for analyzing the collected data, responsive to a trigger condition, for traffic information, wherein each media module is tailored for network analysis and is configurable to a monitoring mode or a focus mode to monitor and collect data; and

(b) an application server module coupled to the at least one media module for receiving the collected data and the analyzed data and analyzing the collected data and the analyzed data for improving the performance of the network application, for configuring the trigger condition and for transmitting the trigger condition to the at least one media module. (emphasis added)

Hence, the media module monitors network traffic and collects and analyzes data from the collected network responsive to a trigger condition. As recited in the specification, for example at page 160, line 15 to page 161, line 5, the trigger condition produces actions in response to specified events. Hence, the trigger condition allows for conditional execution of data analysis based one or more conditions (e.g., performing additional data analysis after initially comparing data to a threshold). Triggers can be created for any media module and/or the application server module. The collected data and the analyzed data are sent to an application server module for additional analysis to improve the monitored network application. The application server module also configures the trigger condition and transmits the trigger condition to at least one media module. Hence, the claimed invention beneficially allows trigger conditions for multiple media modules to be specified at a central location, such as the application server module, rather than specified at each media module. Additionally, configuring trigger conditions on the application server module allows the trigger conditions to be transferable between media modules, increasing customization of network traffic monitoring and analysis.

In contrast, Sharon discloses an agent 14 which at most examines received frames and examines the source and destination address to determine whether a source or destination address is unknown (Sharon, col. 7, lines 7-15). The agent receives a command from a central management engine (CME) 12 to either begin collecting and transmitting data or stop

data transmission and collection (Sharon, col. 7, lines 41-55). Hence, a command from the CME 12, rather than a trigger condition, controls whether the agent 14 collects data. Unlike the binary command from the CME 12 to collect data or not to collect data, the trigger condition specifies certain conditions to be satisfied before taking an action. For example, a trigger condition initiates a type of data analysis when a monitored object is in a certain state or a monitored value is above a threshold value. Hence, the trigger condition of the claimed invention allows the application server to condition analysis by the media module on one or more conditions. The CME 12 does not create or modify a trigger command, but merely determines a frequency of packet flow between network elements and switches the agents 14 between a mode where they eavesdrop on network traffic and a mode where they do not eavesdrop on network traffic (Sharon, col. 4, lines 14-18; col. 6, lines 45-54). Hence, Sharon fails to disclose at least one media module “for analyzing, responsive to a trigger condition, the collected data for traffic information” or an application server module “for configuring the trigger condition and for transmitting the trigger condition to the at least one media module” as claimed.

Hence, for at least the reasons described above, claim 1 is patentably distinguishable over Sharon.

As claims 2-11, 13-16, 18 and 21 are dependent from claim 1, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claims 2-11, 13-16, 18 and 21. Therefore, claims 2-11, 13-16, 18 and 21 are also patentably distinct from Sharon.

Independent claims 22 and 23 have been similarly amended to recite “modifying a trigger condition indicating when to collect and analyze the data.” Claims 24-30, 32, 33, 35

and 38 depend from claim 23 which, as amended, now recites similar limitations to claim 1, the arguments advanced above are also applicable to claims 24-30, 32, 33, 35 and 38. Independent claim 39 has been amended to recite “configuring the trigger condition and for transmitting the trigger condition to the at least one media module” the arguments advanced above are also applicable to claim 39. Thus, claims 22-30, 32, 33, 35, 38 and 39 are also patentable over Sharon.

Response to Rejection Under 35 USC 103(a)

Claims 12, 17, 19, 31, 34 and 36 were rejected as allegedly being obvious under 35 USC § 103(a) in view of Sharon and U.S. Patent No. 6,754,181 to Elliot (“Elliot”). This rejection is respectfully traversed.

Claims 12, 17 and 19 are dependent from claim 1. As explained above, Sharon does not disclose at least one media module “for analyzing, responsive to a trigger condition, the collected data for traffic information” or an application server module “for configuring the trigger condition and for transmitting the trigger condition to the at least one media module” as recited in amended claim 1. Similarly, claims 31, 34 and 36 are dependent from claim 23. As explained above, Sharon fails to disclose “modifying a trigger condition indicating when to collect and analyze the data.”

Elliott has been cited for accounting functions, a logging manager, a statistics manager, an alarm manager, an event manager, a capture manager subsystem, a session manager and filtering. However, Elliott merely discloses a hybrid network which uses telephony routing information and internet protocol address information to transfer information across the internet (Elliott, col. 1, lines 27-33). However, Elliott fails to disclose a media module “for analyzing, responsive to a trigger condition, the collected data for traffic

information,” or an application server module “for configuring the trigger condition and for transmitting the trigger condition to the at least one media module” as claimed. Thus, Elliott fails to remedy the deficient disclosure of Sharon as the references, both alone and in combination, do not disclose or suggest the media module or the application server module of the claimed invention.

To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. See MPEP §2143.03. The deficient disclosures of Sharon and Elliott preclude establishing a *prima facie* basis from which a proper determination of obviousness of claims 12, 17, 19, 31, 34 and 36 can be made. Therefore, it is respectfully submitted that claims 12, 17, 19, 31, 34 and 36 are patentably distinct from Sharon and Elliott, both alone and in combination.

Claims 20 and 37 were rejected as allegedly being obvious under 35 USC § 103(a) in view of Sharon and U.S. Patent No. 6,681,232 to Sistanizadeh et al. (“Sistanizadeh”). This rejection is respectfully traversed.

Claim 20 is dependent from claim 1. As explained above, Sharon does not disclose at least one media module “for analyzing, responsive to a trigger condition, the collected data for traffic information” or an application server module “for configuring the trigger condition and for transmitting the trigger condition to the at least one media module” as recited in amended claim 1. Similarly, claim 37 is dependent from claim 23. As explained above, Sharon fails to disclose “modifying a trigger condition indicating when to collect and analyze the data.”

Sistanizadeh has been cited for including graphs and logs as part of reports based on the monitored data. However, Sistanizadeh discloses a service level manager allowing users

to obtain service through a network and providing report options about user network service (Sistanizadeh, col. 20, line 65 to col. 21, line 14). The service level manager in Sistanizadeh provides a user interface and network topology for improving network operation support, but fails to disclose or suggest a media module “for analyzing, responsive to a trigger condition, the collected data for traffic information,” or an application server module “for configuring the trigger condition and for transmitting the trigger condition to the at least one media module” as claimed. Thus, Sistanizadeh fails to remedy the deficient disclosure of Sharon as the references, both alone and in combination, do not disclose or suggest the media module or the application server module of the claimed invention.

To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. See MPEP §2143.03. The deficient disclosures of Sharon and Sistanizadeh preclude establishing a *prima facie* basis from which a proper determination of obviousness of claims 20 and 37 can be made. Therefore, it is respectfully submitted that claims 20 and 37 are patentably distinct from Sharon and Sistanizadeh, both alone and in combination.

Conclusion

In sum, it is respectfully submitted that claims 1-39, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied) and are in condition for allowance. Favorable action is solicited.

Respectfully Submitted,
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